

DETAILED ACTION

Response to Amendment

This action is in response to the Applicant's amendment filed on March 12, 2008. New claim 9 has been added. Claims 1-9 are pending and will be considered for examination.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 4, 7, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackson et al. (US 6,415,270 B1) ("Rackson") in view of Ramakrishnan et al. "Database Management Systems" ("Ramakrishnan") and further in view of Official Notice.

Referring to claims 1, 7, and 8: Rackson teaches an apparatus for allowing a seller of items to gather data from e-commerce websites, comprising:

- a website server computer (Figure 2, "30") connected to the Internet (Figure 2, "16"), including a database (Figure 3, "32"; Figure 10, "32") for storing data about previous sales (Figure 10, "56"; col. 10, lines 57-60) of a plurality items on the e-commerce websites (Figure 2, "12" and "14"; col. 9, lines 7-49);

- data gathering software that visits the e-commerce websites to compile said data about said previous sales (col. 25, lines 5-8; col. 23, lines 18-29); and
- application software operable to allowing a seller to request pertaining to an item to be offered for sale by the seller from the e-commerce websites (col. 25, lines 8-28);
- receive comparison parameters specified by the seller (Figure 13, "600");
- use the comparison parameters to compare the previous sales data gathered from the e-commerce websites that pertains to the item to be offered for sale by the seller (Figure 13, "640")
- provide a visual representation of the comparison of the previous sales data gathered from the e-commerce websites to the seller and optimal conditions for offering the item for sale (Abstract; col. 23, lines 6-17; col. 24, lines 47-51), the optimal conditions for offering the item for sale being determined based on the previous sales data pertaining to the item to be offered for sale (col. 19, lines 4-21).

Rackson does not disclose database management software for maintaining said database. However, Ramakrishnan discloses the advantages of using database management software for managing data in a database (pages 3, 4, 8, and 9).

Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate database management software into the invention of Rackson. One of ordinary skill in the art would have been motivated to do so in order

to obtain the benefits described by Ramakrishnan such as data independence, data integrity and security, and crash recovery. The cited prior art does not explicitly teach a GUI (i.e. graphical user interface). However, Official Notice is taken that it is old and well known in the art to display information to a user on a graphical user interface (GUI). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to display information to a user in a user-friendly interface.

Referring to claim 4: The cited prior art teaches or suggests all the limitations of claim 1 as noted above. Furthermore, Rackson teaches network connection software to enable the application software to communicate over the Internet with a seller at a remote computer (Figure 2, “10”, “16”, and “30”; col. 8, line 64 – col. 9, line 6; col. 23, lines 6-17).

Referring to claim 9: The cited prior art teaches or suggests all the limitations of claim 1 as noted above. Furthermore, Rackson teaches wherein the optimal conditions for offering the item for sale comprise a recommended reserve price (col. 3, lines 16-32).

Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackson et al. (US 6,415,270 B1) (“Rackson”) in view of Ramakrishnan et al. “Database Management Systems” (“Ramakrishnan”) and further in view of Official Notice and Bailey et al. (US 6,785,671 B1) (“Bailey”).

Referring to claim 2: The cited prior art teaches or suggests all the limitations of claim 1 as noted above. The cited prior art does not teach that the agent software, at regular intervals, searches the e-commerce websites to obtain the data about previous sales. However, Bailey teaches a system for locating web-based product offerings that uses a web crawler (i.e. agent software) to search and obtain data about products at regular intervals (col. 5, lines 46-48; col. 14, lines 21-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Bailey into the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to keep the database current and up to date.

Referring to claim 5: The cited prior art teaches or suggests all the limitations of claim 2 as noted above. Furthermore, Rackson teaches network connection software to enable the agent software to communicate over the Internet with an e-commerce website (Figure 2, “10”, “16”, and “30”; col. 8, line 64 – col. 9, line 6; col. 23, lines 6-17).

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackson et al. (US 6,415,270 B1) (“Rackson”) in view of Ramakrishnan et al. “Database Management Systems” (“Ramakrishnan”) and further in view of Official Notice and Searcher et al. “Intelligent agents: A primer” (“Searcher”).

Referring to claim 3: The cited prior art teaches or renders obvious all of the limitations of claim 1 as noted above. The cited prior art does not teach that the software agent, at times determined by the seller, searches the e-commerce websites to obtain data about previous sales. However, Searcher discloses intelligent agents (i.e.

agent software) for searching various websites to obtain data for commercial transactions (page 15, lines 19-22) based on user-specified (page 5, lines 23-27).

Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Searcher into the invention of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to keep the database current and up to date.

Referring to claim 6: The cited prior art teaches or suggests all the limitations of claim 3 as noted above. Furthermore, Rackson teaches network connection software to enable the agent software to communicate over the Internet with an e-commerce website (Figure 2, "10", "16", and "30"; col. 8, line 64 – col. 9, line 6; col. 23, lines 6-17).

Response to Arguments

Applicant's arguments with respect to the rejection of claims 1-8 under 35 USC 112, first paragraph have been fully considered and are persuasive. The rejection has been withdrawn.

Applicant's arguments with respect to the rejection under 35 USC 103(a) have been fully considered but they are not persuasive. The Applicant has argued that Rackson does not teach optimal conditions for an item to be offered for sale, but rather optimal conditions for placing a bid (see Remarks page 6). The examiner respectfully disagrees. Rackson discloses optimal bids for both seller and buyers (Abstract; col. 2, lines 36-45).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571)-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Naeem Haq/
Primary Examiner, Art Unit 3625

June 6, 2008